

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 1050 OF 2007
 IN
 SUIT NO.2027 OF 1995

Mohan S. Kelkar. ..Plaintiff.

V/s.

New Purshottam Nagar Co-op.Hsg.
 Soc. Ltd. & Ors. ..Defendants.

Mr.M.M.Vashi for plaintiff.

Mr.Anil Singh for defendant Nos. 1 and 2.

Mr.Pimple for defendant No.3.

CORAM: A.M.KHANWILKAR, J

DATE : JULY 19, 2007.

P.C. :

1. Not on board. Upon mentioning taken on board. Heard alongwith the Suit No. 2027 of 1995, which is listed today under caption "undefended suit".

2. Although this Chamber Summons is opposed, in my opinion, in the interest of justice and as litigant should not suffer for the mistake of the advocate, Chamber Summons deserves to be allowed in terms of prayer clause (a) and (b).

3. Accordingly, Chamber Summons is made absolute

in terms of prayer clause (a) and (b) on condition that the defendant Nos. 1 and 2j will pay costs quantified at Rs.3,000/- to the High Court Legal Services Committee within one week from today.

4. Payment of costs is condition precedent for taking the written statement on record.

(A.M.KHANWILKAR, J)